

Appl. No. 10/727,100  
Amdt. dated January 12, 2008  
Reply to Office Action of November 24, 2007

PATENT

**Amendments to the Drawings:**

Please replace sheets 3, 6 and 7 with the attached replacement sheets.

**REMARKS/ARGUMENTS**

Independent claims 7, 14, 23, 39 have been revised to include alternative language in the preamble as well as the feature of reference points with respect to the expression levels of the HoxB13 and IL17BR sequences.

New claims 74-117 replace the canceled claims that previously depended from claims 7, 14, 23, and 39. The new claims provide complete sets of dependent claims as explained below.

New claims 118-121 are counterparts to claims 7, 14, 23, and 39 with different reference points for the expression levels of the HoxB13 and IL17BR sequences.

No new matter has been introduced, and entry of the above amendments is respectfully requested.

*Support for revised claims*

Support for new claims 74-117 is provided at least by previous claims 8-11, 15-18, 20-22, 25-31, 40, 42, 43, 59-63, 66, and 67 as indicated in the table below.

Previously pending claim	New claims dependent from claim 7	New claims dependent from claim 14	New claims dependent from claim 23	New claims dependent from claim 39
8	74		92	
9	75			
10	76			
11	77			
15		83	92	101
16		84		102
17		85		103
18		86		104
20	78	87		105

21	79	88		106
22	80	89		107
25			93	
26			94	
27			95	
29			96	
30			97	
31			98	
40				108
43				109
59	81	90		
60	82	91		
61			99	
62			100	
66				110
67				111
42	112	113	114	115
63		116, 117		

With respect to revised claims 7, 14, 23, and 39, support is provided at least by Examples 3 and 4 as well as Figures 3, 6, and 7. More specifically, and beginning with claim 39, Tables 4 and 5 in Example 3 include identification of the “mean” expression levels of HoxB13 and IL17BR sequences in “sections” and “LCM” samples from tamoxifen responders and non-responders. Data used to determine these “sections” and “LCM” values for the two genes sequences were scaled and plotted as shown in Figure 3, where the scaled mean (average) value for responders (R) and non-responders (NR), combined, is represented by the log<sub>2</sub> value of “0” on the vertical axis. This value corresponds to 1 (one) and facilitates the comparison of the data

between responders and non-responders as well as comparison of expression levels between genes as shown in Figure 7 and discussed in Example 5.

More specifically, and with respect to claims 7, 14, and 23, the scaled values for expression levels of the HoxB13 and IL17BR genes were set into a ratio wherein the mean (average) value of 1 (one) for each was used to set the mean ratio value. Thus 1:1 gives a value of 1, which corresponds to the “0”  $\log_2$  value on the vertical axis in Figure 7. The use of scaled values centered on the mean (average) provides a common point of reference for comparison of expression levels between the two genes.

With respect to new claims 118-121, support is provided at least at page 10, second full paragraph; page 12, last full paragraph; and page 21, last paragraph.

#### Interview summary

Applicants thank Examiner Qian for the courtesy of an in-person interview with the undersigned on October 18, 2007. The new transfer of responsibility for the instant application to Examiner Qian was noted. Possible claim revisions were discussed to place the claims into condition for allowance. The Examiner indicated an oversight in the previously filed replacement drawings and the undersigned acknowledged the need for a Notice so that a correction may be made.

#### Drawings

Previously, Figures 3, 6, and 7 of the drawings were objected to due to the lack of a label for the vertical axes.

As indicated with the last response, Applicants believe that Figures 3, 6 and the first sheet containing Figure 7 do not require labels on the vertical axes because Examples 3 and 4 make it clear that a  $\log_2$  scale is used to plot the scaled expression level data corresponding to the samples used and summarized in Tables 4 and 5. Nevertheless, and in the interest of advancing prosecution, Applicants have introduced “ $\log_2$ ” into these Figures.

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**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 425-681-1833.

Respectfully submitted,

Dated: January 12, 2008

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Attachments